

**ORDINANCE NO. 1122 – 2021**

**AN ORDINANCE OF THE CITY OF MIAMI SPRINGS, FLORIDA, AMENDING SECTION 35-53, “BENEFIT AMOUNTS AND ELIGIBILITY,” OF THE POLICE AND FIREMAN PENSION PLAN OF THE CITY’S CODE OF ORDINANCES PERTAINING TO RETIREMENT BENEFITS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the City of Miami Springs (the “City”) has an established pension plan for the City’s Police and Firefighters, which is codified in Article II, Chapter 35 of the City’s Code of Ordinances (“Code”); and

**WHEREAS**, the City and the Fraternal Order of Police recently entered into a Memorandum of Understanding (“MOU”) to be incorporated into the collecting bargaining agreement that is in effect for fiscal years 2020-21 through 2022-23; and

**WHEREAS**, the MOU contains certain changes to the Police and Firefighters’ Retirement System, which require an amendment to Section 35-53 of the City’s Code in order to be implemented; and

**WHEREAS**, the City Council finds that adoption of this Ordinance is in the best interest and welfare of the City.

**NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF MIAMI SPRINGS, FLORIDA, AS FOLLOWS:<sup>1</sup>**

**Section 1.**      **Recitals.** That the above recitals are confirmed, adopted, and incorporated herein and made a part hereof by reference.

**Section 2.**      **Amending Section 35-53 of the City Code.** That the Code of Ordinances of Miami Springs, Florida, is hereby amended by revising Section 35-53, “Benefit amounts and eligibility,” as follows:

Section 35-53. Benefit amounts and eligibility.

(A) *Frozen accrued benefit.* Notwithstanding any other provision of the System, the accrued benefits of all members of this System who are employed and not participating in the DROP on October 12, 2014 shall be frozen on that date. All such members shall be fully vested in their frozen accrued benefit. The value of each member's frozen accrued benefit shall be calculated in accordance with the provisions of the System in effect on October 11, 2014, based on the member's continuous service and average monthly earnings on that date. The frozen accrued benefit shall be payable to the member (or

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<sup>1</sup> Coding: ~~Strikethrough~~ words are deletions to the existing words. Underlined words are additions to the existing words. Changes between first and second reading are indicated with ~~double-strikethrough~~ and double underline.

placed in the member's DROP account, if applicable) upon attaining the normal retirement date set forth in subsection (B) below; or a reduced benefit shall be payable to the member upon attaining the early retirement date set forth in subsection (C) below. Upon retirement or entry into the DROP, a member whose accrued benefit is frozen on October 12, 2014 shall be eligible for a retirement benefit in two parts: the frozen accrued benefit based on the member's continuous service and average monthly earnings on October 12, 2014; and the benefit based on the member's continuous service on and after October 12, 2014. The provisions of this subsection (A) shall not apply to a member who is employed and within three years of the normal retirement date on October 12, 2014: or to any member, in the rank of Sergeant and below, who retires or enters the DROP after December 14, 2021.

**Section 3.** **Conflicts.** All Sections or parts of Sections of the Code of Ordinances, all ordinances or parts of ordinances, and all Resolutions, or parts of Resolutions, in conflict with this Ordinance are repealed to the extent of such conflict.

**Section 4.** **Severability.** That the provisions of this Ordinance are declared to be severable and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

**Section 5.** **Codification.** That it is the intention of the City Council and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the City Code, that the sections of this Ordinance may be renumbered or relettered to accomplish such intentions, and that the word Ordinance shall be changed to Section or other appropriate word.

**Section 6.** **Effective Date.** That this Ordinance shall become effective immediately upon adoption on second reading.

**PASSED ON FIRST READING** on the 8<sup>th</sup> day of November, 2021, on a motion made by Councilman Vazquez and seconded by Councilman Best.

**PASSED AND ADOPTED ON SECOND READING** this 13<sup>th</sup> day of December, 2021, on a motion made by Councilman Best and seconded by Councilman Vazquez.

Upon being put to a roll call vote, the vote was as follows:

Vice Mayor Bob Best	<u>YES</u>
Councilwoman Jacky Bravo	<u>YES</u>
Councilman Walter Fajet	<u>YES</u>
Councilman Victor Vazquez	<u>YES</u>
Mayor Maria Puente Mitchell	<u>YES</u>

*Maria Puente Mitchell*

MARIA PUENTE MITCHELL  
MAYOR

ATTEST:

*Erika Gonzalez*

ERIKA GONZALEZ, MMC  
CITY CLERK



APPROVED AS TO FORM AND LEGAL SUFFICIENCY  
FOR THE USE AND RELIANCE OF THE CITY OF MIAMI SPRINGS ONLY:

*Jose R. Ayala*

WEISS SEROTA HELFMAN COLE & BIERMAN, P.L.  
CITY ATTORNEY